

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-00302-01-CR-W-HFS
)	
MICHAEL LEE POWELL)	
)	
Defendant.)	

MEMORANDUM

By a document mailed July 31, 2012, defendant requests that I recommend or approve his proposed early participation in a residential reentry or community confinement program, as authorized by the Second Chance Act of 2007. He recites very persuasive family needs, purportedly recently developed, for income that he could provide if able to perform outside employment.

From current district court rulings in this Circuit, I understand the Bureau of Prisons has authority to take the action requested, in its discretion, after suitable evaluation - - but that there must be “extraordinary justification” or at least “unusual” circumstances, as evaluated by the Bureau. Walker v. Fisher, 2012 WL 2721580 (D.Minn.); Russell v. Outlaw, 2012 WL 1867630 (E.D.Ark.).

Defendant’s request to me seems appropriate, in that the Bureau is directed to consider “any statement by the court that imposed the sentence” regarding the purposes of imprisonment and the type of facility considered appropriate.

Early placement in community confinement was not an issue at sentencing, but defendant recites post-sentencing developments that should be considered. Without the facilities or

responsibility to make a further investigation, I again note that defendant makes a persuasive argument. I certainly would not oppose, and, if the material submitted is a fair description of the family situation, would recommend that the Bureau grant defendant's request, if feasible and consistent with practices of the Bureau.

The Clerk is directed to mail a copy of this memorandum to defendant at his Leavenworth Camp address.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

August 6 , 2012

Kansas City, Missouri